

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated November 23, 2009. This amendment is timely filed.

At the time of the Office Action, claims 1-20 were pending in the application. Claims 15, 16, 19 and 20 have been withdrawn from consideration. In the Office Action, objections were raised to the drawings, and to claims 1 and 12. Claims 1-14, 17 and 18 were rejected under 35 U.S.C. §112, first and second paragraphs. Claims 1-6, 10-12, 14, 17 and 18 were rejected under 35 U.S.C. §102(b). Claims 7-9 and 13 were rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

I. Objections to the Drawings

The drawings were objected to for failing to show every feature of the invention specified in the claims, namely the "jet stream" and the "baffle spacing". These features have been duly removed from the claims, and accordingly, withdrawal of this objection is thus respectfully requested.

II. Objections to the Claims

Claims 1 and 12 were objected to for informalities listed in the Office Action, which are duly corrected herein. Withdrawal of the objection is thus requested.

III. Rejections under 35 U.S.C. §112

Claims 1-14, 17 and 18 were rejected under 35 U.S.C. §112, first and second paragraphs, as failing to comply with the written description requirement and as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the limitations relating to baffle placement were alleged to not be described in the specification as filed as to reasonably convey to one skilled in the art that the inventor(s) had possession of the claimed invention at the time of filing the application. Claim 1 has been amended herein, and claims 17 and 18 cancelled. Thus, the features of baffle placement

have been removed from the claims. As a result of these modifications, Applicant respectfully requests withdrawal of the rejection.

IV. Rejections based upon Art

Claims 1-6, 10-12, 14, 17 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by German Patent No. 1119191 to Eder (hereafter "*Eder*"). Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eder* in view of U.S. Patent No. 5,738,222 to Pagenkopf ("*Pagenkopf*").

In the Office Action, *Eder* was deemed to constitute the nearest prior art. Applicant notes that the amended method recited in claim 1 of the present application differs from *Eder* at least because the introduction of the particles into the fluid occurs in a particle size-dependent manner at different locations along the relative direction of movement, such that the larger particles are introduced the closest to the collecting means as seen with regard to the horizontal directional component in said relative direction of movement.

The claimed method makes possible that by classifying the particles, and, depending on their size, introducing them into the liquid at a different location, their spreading due to particle size may be greatly reduced. A more fine and accurate separation into fractions is thus made possible.

This is neither taught nor rendered obvious by the prior art and the claimed method is therefore considered patentably distinct from the prior art. In view of the amended claims, the rejections in the previous Office Action that are based on *Pagenkopf* and *Gillie* are considered moot.

Claim 1 is thus believed to be patentable over the cited prior art for at least the foregoing reasons. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

V. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would

Amendment

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expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,



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